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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,254	09/09/2003	Masanao Sakai	053969-0158	4009
22428	7590	05/01/2007	EXAMINER	
FOLEY AND LARDNER LLP			PHAM, BRENDA H	
SUITE 500			ART UNIT	PAPER NUMBER
3000 K STREET NW			2616	
WASHINGTON, DC 20007				
MAIL DATE		DELIVERY MODE		
05/01/2007		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/657,254	SAKAI, MASANAO
	<b>Examiner</b>	<b>Art Unit</b>
	Brenda Pham	2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 09 September 2003.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-18 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 09 September 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date: _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>01/30/04;09/09/03</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

1. Claims 1-18 are currently pending in the application.

### ***Claim Objections***

2. Claims 7 and 13 is objected to because of the following informalities: claim 7, line 6 "hot" should it be "host".

Claim 13, line 13 "hot" should it be "host".

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 13-18 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

5. Claims 1, 7 are rejected under 35 U.S.C. 112, second paragraph as being lack of antecedent basis in the claim.

Claim 1 recites the limitation "the reception host" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "a reception host" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "the reception host" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "a reception host" in line 6. There is insufficient antecedent basis for this limitation in the claim.

6. The claims 1-18 are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

#### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by **Kurose et al (US 7,076,540 B2)**.

Regarding claims 1 and 7 **Kurose et al** disclose a resource reservation protocol substitute reply router transferring a verification message transmitted from a transmission host to the reception host for acquiring guarantee of service quality of a transmission route upon transmitting data packet from said transmission host to a reception host, comprising:

judgment means for monitoring a response message from said reception host for said verification message and making judgment whether said reception host is an equipment adapted to said resource reservation protocol or not; and

substitute resource reservation protocol control means for executing a procedure of resource reservation protocol on behalf of said reception host which is judged as not being adapted to resource reservation protocol and making reservation of resource on the route to said transmission host (see figure 2, col. 5, 6, line 45-67, 1-40, respectively.)

**Note:** Examiner does not give patentable weight to limitation: "adapted to" in claim 1, line 10-11, "being adapted to" in line 14-15; claim 2 "adapted to" in line 25; claim 4 "which is arranged adapting to" in line 10; claim 5, "which is arranged" in line 17; claim 6 "which is arranged respectively adapting to" in line 23-24; claim 7 "adapted to" in line 13-14; claim 7 "being adapted to" in line 17-18; claim 8 "adapted to" in line 1; claim 10 "is arranged adapting to" in line 14; claim 11 "is arranged" in line 22; claim 12 "is arranged respectively adapting to" in line 3-4. Examiner does not give patentable

weight to limitation "adapted to" clause or "is arranged adapting to" clause or "is arranged to" clauses because such language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation.

### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda Pham whose telephone number is (571) 272-3135. The examiner can normally be reached on Monday-Friday from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn D. Feild, can be reached on (571) 272-2092.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

April 26, 2007  
Brenda Pham

*Brenda Pham*

**BRENDA PHAM  
PRIMARY EXAMINER**